

**Sally Brown & Richard Tregidga**

From: "Sally Brown & Richard Tregidga" <fletch@ttc-cmc.net>  
To: "Sharon" <spoms@yahoo.com>  
Sent: Tuesday, March 10, 2009 8:30 PM  
Subject: my only rental property

This is to let the Senate judiciary committee about why I am against this bill as the owner of only 1 rental property. My husband & I purchased (with a mortgage) a 2nd property to hopefully give us some tax breaks since a large amount of money was taken out of my husbands check since he worked at for Stillwater Mine.

We had rented the home to this family who left it in really bad shape after 1 1/2 years plus helped themselves to some of our items that were on the property when they left. I gave them proper notice to come back & bring our items back plus clean up the place so it was livable again, but they basically told me that they weren't going to, so I made the repairs & cleaned the house & sent them back \$445.10 of their deposit withholding only \$354.90 which was way more than they should've gotten back, but because my husband was now the previous tenants supervisor at the mine, I didn't want any trouble and thought I would give them back more than they deserved to avoid any further problems with them.

Instead they sued me for the \$354.90. I thought that we could get this resolved in small claims court, but then they hired a lawyer which threw it out of small claims court, and since my husband and I didn't have any experience in dealing with this kind of thing, we didn't want to represent ourselves-in fact my husband actually didn't want to be any part of this & pretty much couldn't be since he also was this tenants supervisor, we hired an attorney also.

The attorney charged us a \$50 charge to speak with me originally & then a \$2,000 retainer for taking this on. (Enclosing a copy of this) The attorney Scott didn't think this would go to court, but it did & at a rate of \$175 per hour, his retainer was used up before we even set foot in court, but Scott thought that we would win the case and that I would be awarded attorneys fees when I won.

I had originally thought that I paid out about \$3,000 total for this, but after double checking my records, my husband had paid out the \$2,000 retainer out of our savings, & then after the court case ended we had an additional \$3,146.47 bill-for a grand total of \$5,546.47 that fighting over the \$350 damage deposit cost us. (Enclosing copies of bills)

Oh yes, by the way, I did win the court case. There was a jury trial with witnesses on both sides called and the jury found that I didn't wrongfully withhold the damage deposit, and in fact after talking with the jury foreman after court with my attorney, we found that they all felt this shouldn't even have gone to court and requested to the judge that I be awarded attorneys fees for having to go through all this expense and time.

The judge in Park County decided that she didn't have to do what the jury had asked her and decided that we were each to pay our own attorneys fees & each pay 1/2 the jury fees. My attorney was so upset by this he called me and told me that he would file a motion for free that she needed to reconsider her conclusion on the attorneys fees, but she refused again so I had to pay out a total of over \$5,000 for WINNING a case!

I don't know if the judge figured I had plenty of money and was wasting the courts time and just should have paid back the whole damage deposit or what, but I didn't feel I should have to be blackmailed into giving back the damage deposit when the tenants had stolen items from my husband & I plus refused to clean up the place.

My husband & I were in a car accident on June 10th, 2008 & were informed by the court that we'd lost the motion to reconsider on June 17th. My husband had broken his neck & was in the hospital in Billings & then Denver for 7 weeks before he died. In the meantime I was struggling to pay the bills & Scott was taking \$200 monthly payments from me on his attorney fees, but with all that I was going through, I didn't realize that I was also obligated to pay the jury fees separately, so I got served with an order to show cause for my 1/2 of the jury fees: \$201.70 on Sept 24, 2008 & was informed if they weren't paid they would result in a warrant for my arrest. (Enclosed copies).

I had to use some of the money from my husbands life insurance to finish paying off these bills, & if you think all landlords are rich, you are welcome to call me because

I have 2 mortgages that I am paying on, the housing market is bad so I can't sell the rental property and have been struggling to keep it rented since my husband died. I'm barely keeping my head above water & if this bill were to pass, I think you would just give some of the tenants even more of a reason to go to court because of the money aspect. I have personally found out that there are tenants out there who look for ways to get out of paying rent & paying for any damage they've done, and not just with this couple we rented our home to.

Thanks for reading this- Sally Brown (406) 932-9369